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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,006	03/06/2001	James C. Rush	STE01 P-1086	5256

277 7590 12/29/2004

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EXAMINER

HORTON, YVONNE MICHELE

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/800,006

Applicant(s)

RUSH ET AL.

Examiner

Yvonne M. Horton

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30-99 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 30-89 and 95-99 is/are allowed.
- 6) ☒ Claim(s) 90-93 is/are rejected.
- 7) ☒ Claim(s) 94 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: see attached exhibit.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 90-93 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #3,513,606 to JONES. JONES discloses the use of a furniture system including a plurality of vertical posts (2) having an X-shape, see figure 22, defining four or more mutually perpendicular, outwardly extending flanges (as at 84) each having at least one vertical slot (SL), a lower portion (18) abuttingly supported on a floor surface (F) and an upper portion (UP) connected to an associated plurality of overhead beams (36) by a plurality of beam-to-post connectors (47,67) attached at opposite ends of the beams (36) and being detachable retained within the slots (SL) of the posts (2), see the marked attachment. Regarding claim 91, the system further includes at least one partition accessory (79) having a mount portion (MP) detachably retained in the slot (SL) of the posts (2), see the marked attachment. In reference to claim 92, each beam (36) includes an uppermost and lowermost face with a T-shaped slot (37), column 4, lines 65-70, and the one beam-to-post connector (47,67) includes key portions (82) detachably retained in slot (37). Regarding claim 93, the slots (37) and (SL) extending longitudinally in the same direction and are equally sized and shaped.

Allowable Subject Matter

Claims 30-89 and 95-99 are allowed.

Claim 94 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 8/9/04 have been fully considered but they are not persuasive.

In regards to the applicant's argument that JONES does not teach a post and beam type of furniture system or overhead beams to office space, but teaches rather a standard height partition system; the examiner disagrees in that JONES clearly shows a beam (36) connected to a post (2) that accommodates office furniture (79).

Regarding the applicant's argument that the post of JONES is square, the examiner agrees, but the examiner disagrees the JONES does not incorporate outwardly extending flanges. JONES teaches flanges, as at 84, that extend outwardly from the center (83) and include a slot (SL) that is T-shaped.

In reference to the slot not being at the end faces, although the slot of JONES is continuous, the slot is still disposed at the upper and lower ends of the posts.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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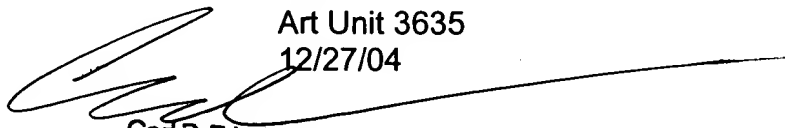
mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (703) 308-1909. The examiner can normally be reached on 6:30 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (703) 308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YMH
Art Unit 3635
12/27/04



Carl D. Friedman
Supervisory Patent Examiner
Group 3600

EXAMINER'S ATTACHMENT

May 26, 1970

V. H. JONES

3,513,606

STRUCTURAL FRAMEWORK AND CONNECTOR JOINT THEREFOR

Filed Feb. 21, 1968

5 Sheets-Sheet 4

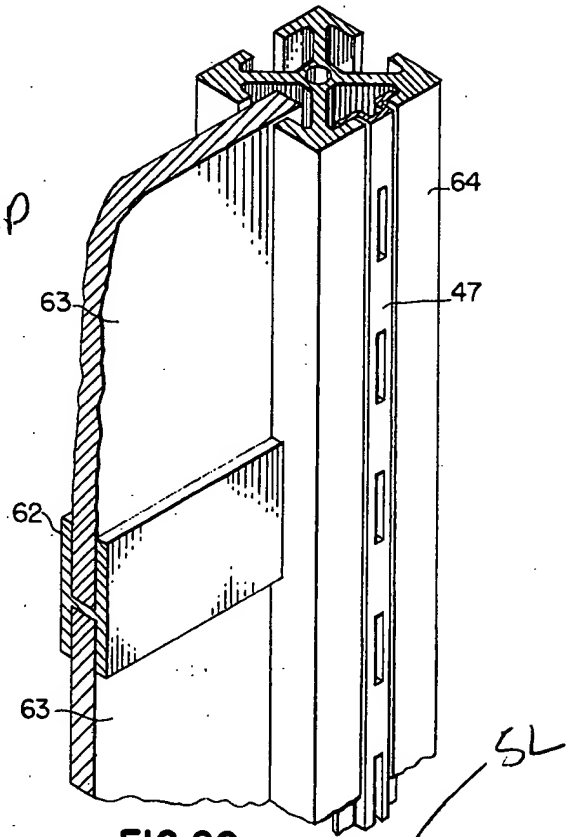
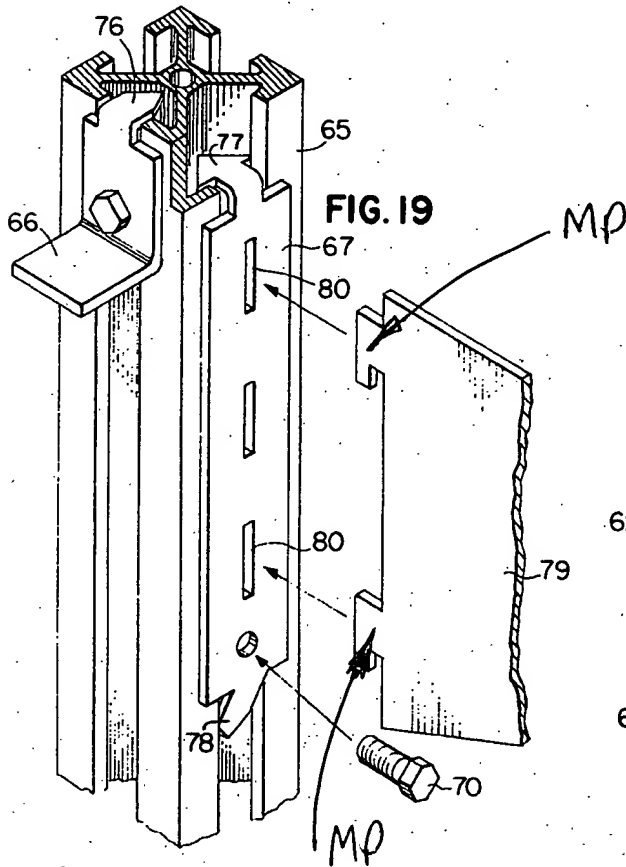


FIG. 20

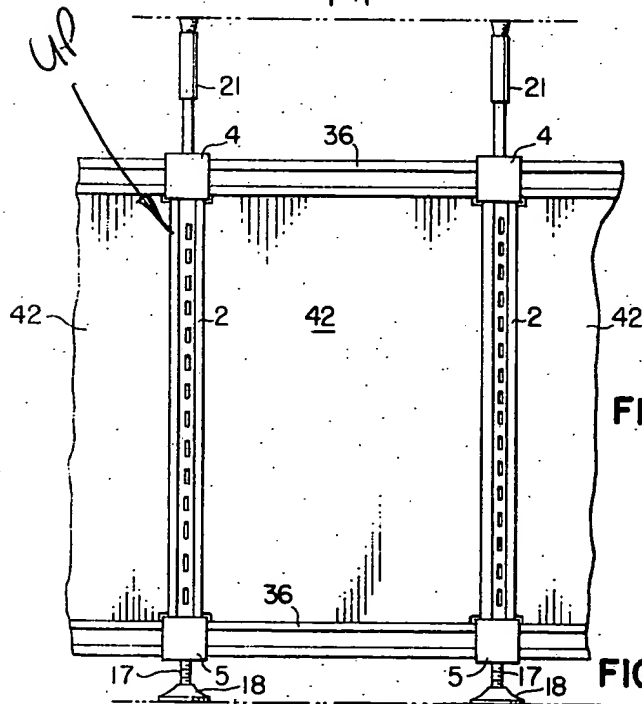


FIG. 21

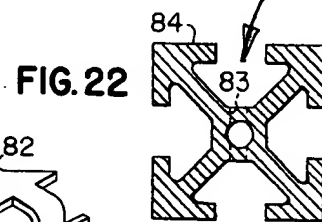


FIG. 22

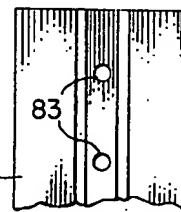
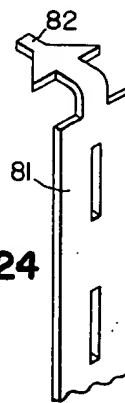


FIG. 23

INVENTOR.

VERNON H. JONES

BY

W. H. Miller
ATTORNEY